

**Conservation Commission Meeting Minutes  
October 9, 2013**

**Members Present:** Louis A. Napoli, Chairman; Joseph W. Lynch, Jr., Vice Chairman; Deborah A. Feltovic; John T. Mabon; Sean F. McDonough; Douglas W. Saal.

**Members Absent:** Albert P. Manzi, Jr.

**Staff Members Present:** Jennifer A. Hughes, Conservation Administrator; Donna M. Wedge, Conservation Secretary; Heidi M. Gaffney, Field Inspector.

***Pledge of Allegiance***

***Meeting came to Order at: 7:11 PM Quorum Present.***

**Approval of Minutes of 8/28/13**

- A motion to accept the meeting minutes of 8/28/13 as drafted and reviewed is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.

***Small Project***

**NACC#119, 177 Carlton Lane (Lauzon) (Construction of a Deck)**

- The field inspector states this is for re-construction of a deck removed 3 years ago.
- The deck would be 12' x 20' and approximately 240 s. f. and located about 90-feet away resource area.
- The access would be through the existing driveway and there would 4 new footings for the deck.
- A motion to accept as small project 4.4.2.A is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.
- A motion to accept small project as proposed with a condition of a post construction meeting is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.
- ***Documents:***
  - *Application Checklist-Small Project*
  - *Description of work proposed*
  - *Plan of Land dated 10/2/13*

***Public Hearings: 7:14PM***

***Abbreviated Notice of Resource Area Delineation***

**242-1606, 303 Abbott Street (Boberin, LLC) (Wetlands & Land Management, Inc.)**

- William Manuell of Wetlands & Land Management, Inc. and Bob Corcoran of Boberin, LLC
- Abutter's Joseph Voica of 51 Thistle Road, Paul & Kathleen O' Neil of 339 Abbott Street is present.
- Mr. Saal read the legal notice.
- The administrator briefly reviews the wetland delineation.
- Mr. Manuell presents and discusses the delineation and the site and also discusses the off-site wetlands.
- Mr. Mabon asks the administrator if she reviewed the off-site wetlands.
- The administrator states that the wetlands are clear, toe-of-slope wetlands.
- Mr. Lynch discusses the off-site wetlands and the nearby Vernal Pool.
- Mr. Mabon discusses the wetlands and that they are related to drainage from Abbott Village Subdivision Development.
- A motion to accept the wetland line as proposed is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- ***Documents:***
  - *Application Checklist-Abbreviated Notice of Resource Area Delineation*
  - *Letter from Wetlands & Land Management, Inc. dated 9/21/13*
  - *WPA Form 4A-Abbreviated Notice of Resource Area Delineation*
  - *Fees*
  - *Signatures*
  - *ANRAD Wetland Fee Transmittal Form*
  - *Copy of State & Local Checks*
  - *Certified Abutter's List dated 9/18/13*
  - *Notification to Abutter's Form*
  - *Wetland Summary Report and Wetland Data Sheets*
  - *Streamstats Information*
  - *USGS Streamstats Print Page dated 9/18/13*
  - *USGS Streamstats Ungaged Site Report*
  - *Limited Existing Conditions Plan dated 8/21/13*
  - *North Andover MIMAP dated 10/9/13*

***Notice of Intent***

**242-1593, 16 Berry Street (North Andover Holdings, LLC) (LEC Environmental, Inc.)**

- A motion to grant the request for a continuance to October 23, 2013 meeting is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.

- **Document:**
- *Letter from LEC Environmental Consultants, Inc. requesting a continuance to October 23, 2013 meeting dated 10/7/13.*

**242-1603, 315 South Bradford Street (Smolak Farms, LLC) (ESS) (cont. from 9/25/13)**

- The administrator states Natural Heritage issued no-take letter for the project but required that the applicant submit a MESA filing since project not exempt. The project is also not exempt from Stormwater Management. The applicant has requested a continuance.
- A motion to grant the request for a continuance to October 23, 2013 meeting is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- **Document:**
- *E/Mail from Smolak Farms, LLC requesting a continuance to October 23, 2013 meeting*
- *Dated 10/9/13.*

**242-1607, 168 Campbell Road (Sylvester) (Wetlands & Land Management, Inc.)**

- The applicant Betsey Sylvester of 168 Campbell Road, John Bunk of 168 Campbell Road and William Manuell of Wetlands Land Management, Inc. are present.
- Mr. McDonough read the legal notice.
- The field inspector reviews the application briefly.
- Mr. Manuell discusses the wetland resources on the property and reviews the proposal to remove an existing inground pool and convert it to patio area as well as various other landscaping tasks such as replacing rotten railroad tie retaining walls and a walkway to the front door.
- Mr. Mabon states this activity would be improvement to the property and that the stockpile area should be on the existing driveway within the erosion controls.
- Mr. Lynch states that the erosion controls should be continued when they do the walkway.
- Mr. Manuell requests a continuance to allow time to hear from Natural Heritage.
- A motion to grant the request for a continuance to October 23, 2013 meeting is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.
- **Documents:**
- *Application Checklist-Notice of Intent*
- *Letter from Wetlands & Land Management, Inc. dated 9/21/13*
- *WPA Form 3-Notice of Intent*
- *Locus Map*
- *Notice of Intent Fee Transmittal Form WPA Appendix B*
- *Copy of State & Local Check*
- *Certified Abutter's List dated 9/18/13*
- *Notification to Abutter's Form*
- *Project Description*
- *Submitted to Natural Heritage for review*
- *North Andover Conservation Commission Waiver Request Form dated 9/25/13*
- *Transmittal to Natural Heritage Program dated 9/26/13*

- *Copy Express Mail to Natural Heritage Program dated 9/26/13*
- *Exiting Site Plan dated 9/25/13*

**242-1605, 285 Rea Street (Ramos) (Sullivan Engineering Group, LLC)**

- John Sullivan of Sullivan Engineering Group, LLC is present.
- Mr. McDonough read the legal notice.
- Mr. Sullivan reviews the proposal for the replacement and expansion of the septic system.
- Mr. Mabon inquires about soil stockpile locations.
- Mr. Sullivan states that there will be no need to stockpile.
- Mr. Mabon states the play structure in the 25' No-disturb zone should be moved out of the 25'.
- Mr. McDonough states that wetland markers should be put up.
- Mr. Lynch discusses that if the homeowners wish to re-do their driveway they should include it in the filing, since the septic system will be under a portion of the driveway.
- A motion to close and issue a decision within 21 days is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- ***Documents:***
  - *Application Checklist-Notice of Intent*
  - *WPA Form 3-Notice of Intent*
  - *Wetland Fee Transmittal Form*
  - *Certified Abutter's Listing dated 8/28/13*
  - *Notification of Abutter's Form*
  - *Portion of a USGS Map*
  - *Locus Map*
  - *Copy of State & Town Checks*
  - *A written alternative analysis for the Riverfront Area*
  - *Septic Design Plan dated 9/23/13*

**242-1604, 288 Sutton Street (Smolak) (Sullivan Engineering Group, Inc.)**

- John Sullivan of Sullivan Engineering Group, LLC, and abutter Jerry J. Wilson of 12 Ellis Street are present.
- Ms. Feltovic read the legal notice.
- The administrator states this filing is for five 2-family dwellings subdivision with roadway and stormwater management structures and briefly reviews the history of the project.
- Mr. Sullivan states this was reviewed back 2011 by the Planning Board and approved then because of being duplexes the applicant had to go through the Zoning Board of Appeals.
- Mr. Sullivan states the maintenance of the roadway and stormwater management structures would be the responsibility of the Homeowners Association this would stay a private way with no town responsibility for maintenance of any of the property.
- The administrator states that she has a concern about the wall being in the 50' no-build zone.

- The commission discusses the wall with Mr. Sullivan.
- Mr. Napoli discusses the stormwater structures.
- Ms. Feltovic discusses the O&M plan for the maintenance and states that there should be an inspection schedule for the homeowners.
- Mr. McDonough states that there should be a 2'x2' wall at the 25' no-disturb zone.
- Mr. Sullivan states the applicant would tie into town sewer and town water.
- Mr. Lynch states that there should be a protective covenant to keep the stormwater structures in place and prevent future owners from filling them in.
- Mr. Sullivan requests a continuance to the next meeting.
- A motion to grant the request for a continuance to October 23, 2013 meeting is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.
- **Documents:**
- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *Copy of State & Town Checks*
- *Certified Abutter's List dated 7/12/13*
- *Notification To Abutter's Form*
- *Completed Checklist for Stormwater Report*
- *Long Term Pollution Prevention Plan (LTPPP)*
- *TSS Removal Worksheet*
- *Stormwater Recharge and Water Quality Calculations*
- *Stormwater Report (prepared by Engineering & Surveying Services)*
- *Definitive Subdivision Plan for Matthews Way (Sheets 1-5) prepared by Engineering and Surveying Services, revisions 6/22/11.*

**General Business: 8:26 PM**

**242-1561, COC Request, 109 Nutmeg Lane (Gorman) (Marchionda & Associates, L.P.) (cont. from 9/25/13) (Request to cont. to 10/23/13)**

- A motion to grant the request for a continuance to October 23, 2013 meeting is made by Mr. McDonough, seconded by
- Vote unanimous.
- **Documents:**
- *E/Mail from Liz Gorman requesting a continuance to October 23, 2013 meeting dated 10/7/13.*

**242-1572, Request for Partial Bond Release, 108 Campion Road (Montopoli) (Andover Consultants, Inc.)**

- The administrator states this project needs to be monitored for 2 years with the planting plan. The Boulder wall is installed and majority of the site is stabilized.
- A motion to issue a partial bond release of \$1,000 is made by Mr. Lynch, seconded by Mr. Saal.
- Vote unanimous.
- **Documents:**

- *Letter from the Barbara Montopoli dated 9/26/13*
- *As-Built plan of planting plan dated 9/26/13*
- *Photos dated 10/9/13*

**242-1398, COC Request, 315 South Bradford Street (Smolak Farm, LLC) (cont. from 9/25/13) (Request to cont. to 10/23/13)**

- The administrator discusses the COC Request and states that the applicant has requested a continuance.
- A motion to grant the request for a continuance to October 23, 2013 meeting is made by Ms. Feltovic, seconded by Mr. McDonough
- Vote unanimous.
- ***Document:***
- E/Mail from Smolak Farm, LLC requesting a continuance to October 23, 2013 meeting
- Dated 10/9/13
- *Letter from NRCS Natural Resources Conservation Services dated 9/26/13*
- *WPA Form 8A-Request for Certificate of Compliance*

**242-1602, Modification Request, 351 Willow Street (Muffin Realty Trust) (The Neve-Morin Group, Inc.) (Request to withdraw)**

- A motion to accept the withdraw request is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

**Enforcement Order Update**

**242-1340. 1171 Turnpike Street (Uncle Bob's Self Storage)**

- The administrator states the applicant would update the Conservation Department by October 18, 2013.
- Table till October 23, 2013 meeting.

***Decisions***

**242-1589, 1077 Osgood Street**

- The administrator reviews the draft Order of Conditions.
- The Commission discusses and amends the draft Order of Conditions.
- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.

**242-1602, 351 Willow Street**

- The administrator reviews the draft Order of Conditions.
- The Commission reviews and amends the draft Order of Conditions.
- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

*A motion to adjourn the meeting at: 9:02 PM is made by Mr. Lynch, seconded by Ms. Feltovic.*  
*Vote unanimous.*